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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI H.L. DATTU, CJ.

Contempt Petition No.152 of 2004

APPLICANT

Rajesh Agarwal
Aged about 45 years
S/o Shri Ganpatrai Agarwal
R/o Sheorinarain
District Janjgir – Champa
(Chhattisgarh)

VERSUS

CONTEMNERS NON-APPLICANTS

1. Senior Divisional Manager
Indian Oil Corporation Raipur
"Indian Oil Bhavan", Rajiv Gandhi Marg, (V.I.P. Road), P.O. Ravigram, Telibandha, Raipur (Chhattisgarh)
2. Vikas Joseph
Additional Manager (Retail)
R/o Shriram Towers
Vaipar Vihar, Bilaspur
(Chhattisgarh)

Present: Shri Jitendra Pali, counsel for the petitioner.
Shri Bhishma Kinger, counsel for the respondents.

ORAL ORDER

(Passed on 13th March, 2007)

Petitioner in Writ Petition No. 4472 of 2004 is the complainant in this contempt petition. The grievance of the petitioner in this contempt petition is that the respondents in the contempt petition have disobeyed the orders and directions issued by this Court on 03-12-2004 while entertaining Writ Petition No. 4472 of 2004. Therefore, by filing this contempt petition the petitioner wants this Court to initiate appropriate contempt proceeding against the respondents for the so called wilful and

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deliberate disobedience of the orders and directions issued by this Court. Along with the contempt petition, they have also filed one letter issued by the respondents dated 14-12-2004 and reply given by the petitioner on the very day.

(2) The respondents have entered appearance through their learned counsel Shri Bhishma Kinger.

(3) The matter is posted for admission before the Court today. With the consent of learned counsel for the petitioner it is being finally disposed of.

(4) The only direction issued by this Court to the respondents on 03-12-2004 while entertaining the Writ Petition No.4472 of 2004 was to allow the petitioner to continue with the petrol pump in question till the next date of hearing i.e. 13-12-2004.

(5) The respondents by interpreting the order dated 03-12-2004 that the interim order granted by this Court was valid only up to 13-12-2004, has written a letter to the petitioner dated 14-12-2004 asking the petitioner /complainant to deliver the possession of the petrol pump.

(6) The petitioner/complainant has submitted that the respondents have misinterpreted the interim order issued by this Court and issued the letter dated 14-12-2004. Thereafter, the respondents have not done anything in the matter.

(7) In view of the aforesaid narration of facts, the action of the respondents in writing a letter to the petitioner dated 14-12-2004 cannot be considered as a violation of the orders and directions

cannot be considered as a violation of the orders and directions issued by this Court dated 03-12-2004. In that view of the matter, I do not intend to take cognizance of the contempt petition and it is accordingly disposed of. Ordered accordingly.

Sd/-
Chief Justice